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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/665,883	09/19/2003	Chong-Sheng Yuan	466992001100	6779	
	7590 11/19/201 FOERSTER LLP	EXAMINER			
12531 HIGH BI SUITE 100		HUTSON, RICHARD G			
SAN DIEGO, C	CA 92130-2040	ART UNIT	PAPER NUMBER		
			1652		
			NOTIFICATION DATE	DELIVERY MODE	
			11/19/2010	ELECTRONIC	

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficeSD@mofo.com

## Advisory Action Before the Filing of an Appeal Brief

	Application No.	Applicant(s)	
	10/665,883	YUAN, CHONG-SHENG	
Examiner		Art Unit	

-The MALING DATE of this communication appears on the cover sheet with the correspondence address -  THE REPLY FILED 01 November 2019 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWAND.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant site with the control of the property of the			Trionara C. Trateon	1002
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, application in possibility in the file of the following reples: (1) an amendment, affaidat, or other evidence, wich places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  □ The period for reply expires		The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.13t; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires on: (1) the mailing date of this final rejection.  Examiner Note: (Box 1 is checked, check either box (a) or (b), ONLY CHECK BX (b) (WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST WAS FILED WITHIN TWO MONTHS OF THE	THE R	EPLY FILED <u>01 November 2010</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.
b)	a f	pplication, applicant must timely file one of the following pplication in condition for allowance; (2) a Notice of Appetron Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If too 1; is checked, check biller box (a) or (b) NUT CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the correlation of the filed of the filed for filed for the filed for the filed for the filed for filed for the filed for filed for the filed for filed for filed for filed for	a) 🛚	The period for reply expiresmonths from the mailing	g date of the final rejection.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on	b) 🛭	no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection.
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:</li> <li>Claim(s) allowed:</li> <li>Claim(s) rejected: 171.271.23.31.34.37.42.44.48.50.55.58.65.67.72. Claim(s) withdrawn from consideration:</li> <li>AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief,</li></ul>	have be under 3 set forth may red	ons of time may be obtained under 37 CFR 1.136(a). The date the filed is the date for purposes of determining the period of extraction of the state	on which the petition under 37 CFR 1.1 tension and the corresponding amount of shortened statutory period for reply origing than three months after the mailing dat	of the fee. The appropriate extension fee nally set in the final Office action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5.  Applicant's reply has overcome the following rejection(s):  6.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  Claim(s) rejected: 1.12.21.23.1.34.37-42.44-48.50-55.58-65.67-72.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good an			liance with 37 CFR 41 37 must be t	filed within two months of the date of
(a)	fi N	ling the Notice of Appeal (37 CFR 41.37(a)), or any exter lotice of Appeal has been filed, any reply must be filed w	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since a
(c)	(	a) $oxtimegq$ They raise new issues that would require further coi	nsideration and/or search (see NOา	
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			(PTO/SB/08) Paper No(s)	
			/Richard G Hutson/	
				nit 1652

Continuation of 3. NOTE: Applicants proposed amendment of the claims that the second peptidyl fragment comprises the amino acid sequence of SEQ ID NO:2 having "no more than one conservative amino acid substitution" if entered would require fruther consideration after final rejection. Such further consideration would entail at the very least the consideration as to whether applicants specification at the time of filing supported such an amendment. It is noted that applicants pointed to paragraphs [0018], [0040] and [0041] as supporting applicants amendments, however, the specified paragraphs do not show support for the complete amendendment.

Continuation of 11. does NOT place the application in condition for allowance because: the rejections of record remain for the reasons of record based upon the non-entry of applicants proposed amendment and applicants arguments based upon the entry of the proposed amendment.